

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

RSA No.987 OF 2007

DATE OF DECISION: 12.7.2007

Budh Ram

...APPELLANT

VERSUS

Tulsi Ram

...RESPONDENT

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Sanjay Mittal, Advocate
for the appellant

PERMOD KOHLI,J. (ORAL)

This is plaintiff's Regular Second Appeal filed against the concurrent findings of fact recorded by both the courts below. The plaintiff/appellant filed a suit seeking permanent injunction restraining the defendant/respondent from demolishing the wall XY or any part thereof for the purpose of drainage of water by the defendant, through the house of the plaintiff and also restraining the defendant from interfering in possession of plaintiff over his property as detailed by green colour in the site plan. The trial court

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found that the plaintiff is not in possession and consequently dismissed the suit vide its judgment and decree dated 4.8.2005. The appeal preferred by the plaintiff/appellant against the judgment and decree dated 4.8.2005, before the Additional District Judge, Rewari also remained unsuccessful and came to be dismissed vide its judgment and decree dated 29.11.2006, concurring with the findings of the trial court. Learned counsel for the appellant has tried to emphasize upon the statements of the witnesses. Both the courts below have considered the evidence on record and the view taken by both the courts below is one of the possible view emerging from the record. In find that no substantial question of law is involved in this Regular Second Appeal.

In view of the above, I find no merit in this Regular Second Appeal which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

12.7.2007
MFK

Note:Whether to be referred to Reporter or not:YES/NO